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U.S. Ser. No. 10/629,285

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REMARKS

Claims 1, 2 and 8 have been amended to overcome the rejection under 35 U.S.C. §112, second paragraph.

Claims 1-8 and 23-27 stand rejected under 35 U.S.C. §103(a) over Reddy et al., in view of Dorfman. Applicant's arguments of record as to why the Examiner has failed to establish *prima facie* obviousness are incorporated herein by reference, and will not be repeated. The Examiner's argument that the substance and limitations of multiple claims "are within the purvey of one having ordinary skill in the art . . . as a matter of design choice . . ." are not persuasive. Rejection under §103 of the statute requires *factual evidence*.

Claims 9-11 now stand rejected under 35 U.S.C. §103(a) over the Reddy/Dorfman combination, and further in view of Doumanidis ('393). Claim 9 resides in an ultrasonic consolidation process; claim 10 resides in electrical resistance consolidation process; and claim 11 sets forth a frictional consolidation process. The Examiner's "argument" is that it would have been obvious to employ an ultrasonic consolidation process, as taught by Doumanidis, "in order to facilitate bonding of the materials." This is not persuasive. The prior art already teaches bonding of materials, such that the importation of the entirely different process is redundant and without foundation. The Examiner's further contention that although Doumanidis does not teach electrical resistance or friction solid-state consolidation processes, it would have been obvious "to employ in the above-described method since they are functionally equivalent alternate expedients in the art." Again, *prima facie* obviousness requires some teaching or suggestion from the prior art in support of a rejection; otherwise, the opinion constitutes mere speculation and improper hindsight.

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Questions regarding this application may be directed to Applicant's below-signed representative at the telephone/facsimile numbers provided below. Applicant's traverse of the Restriction Requirement is maintained.

Respectfully submitted,

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